

### **REMARKS**

New claims 21 – 28 have been added in this amendment. Support for these additional claims can be found in the claims, on page 6, line 14 through page 7, line 9, as well as in FIGS. 10 – 14. Claims 6 and 16 have been canceled. Claims 1, 2, 3, 5, 8 – 13, 15, and 20 have been amended. Thus, claims 1 – 5, 7 – 15, and 17 – 28 are currently pending in the subject application.

In the Office action mailed January 11, 2006, the Examiner objected to claims 1 – 2; rejected claims 1, 11, 14, 17 under 35 U.S.C. § 102(e); and rejected claims 2 – 5, 7, 9, 10, 12, 15, and 18 – 20 under 35 U.S.C. §103(a). In addition, the Examiner objected to claims 6, 8, 13, and 16 as being dependent on a rejected claim, but indicated that these claims would be allowable if written in independent form. Favorable reconsideration of the subject application is respectfully requested in view of the following remarks.

The specification has been amended to update the cross reference to a related application. No new matter has been added.

Initially, claims 1 – 2 have been objected. Applicants thank the Examiner for pointing out these inadvertent typographical errors. The errors have been corrected.

Claim 1 has been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,616,237 (“*Sonner et al.*”). This rejection is respectfully traversed because *Sonner et al.* does not disclose, teach or suggest an infant seat including (1) a substantially U-shaped upper frame including a medial portion and two side portions, wherein the medial portion is angled

rearward with respect to a plane including the two side portions and/or (2) a lower leg portion that bows outward with respect to a center line bisecting the infant seat. Specifically, the frame of *Sonner et al.* includes a lower frame 12 including left and right ground engaging lower frame portions 30, 50 coupled to an upper, seat frame 14 made of a back supporting frame 16 and a lower seat frame 18. The seating area associated with seat frame 14 is provided by soft goods 24 suspended from back supporting frame 16 and lower seat frame 18. *See* col. 3, line 64 through col. 4, line 3, as well as FIG. 2. It is apparent that the U-shaped member forming the back supporting frame 16 does not comprise a medial portion (the curve of the “U”) bent rearward with respect to a plane that includes the frame’s side portions. In contrast, the present specification, on pages 6 and 7, explains that the back portion includes a medial portion that is canted rearward (e.g., at an angle of approximately 30°) relative to a plane (see plane X in FIG. 13) extending from the right side portion to the left side portion. This canting (shown by Y in FIG. 13), provides a seat pocket that is deeper as compared to conventional infant seats, i.e., that which is disclosed in *Sonner et al.* This feature, in turn, extends the useable life of the seat, since larger infants may be placed into the deeper seat.

Claims 2 – 10 depend directly from independent claim 1 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to independent claim 1 and for further limitations recited in these claims.

Claims 11, 14, and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Patent No. 6,759,961 (“*Fitzgerald et al.*”). This rejection is respectfully traversed because

*Fitzgerald et al.* does not disclose, teach, or suggest a control unit including (1) a switch for selectively providing power, (2) a switch for selecting a sensory stimulus mode, and (3) an indicator that visually indicates a particular sensory stimulus mode, wherein the switch for selecting a sensory stimulus mode effectuates a change in visual appearance of the indicator and produces a change in the sensory stimulus produced by the control device. *Fitzgerald et al.* shows a baby monitor including a switch cavity 317 along which a mode selector may move. See col. 6, lines 21 – 44. The switch cavity 317 is not the equivalent of the claimed indicator because it does not operate to visually indicate a particular sensory stimulus mode. That is, the appearance of the cavity itself does not change.

In contrast, the instant invention includes a mode selection switch that controls a separate indicator capable of *visually indicating at least two distinct sensory modes*. For example, as explained in the specification on page 9, lines 4 – 22, the indicator may show a sun (to indicate the activation of daytime-related sensory stimuli) or may show a moon (to indicate the activation of nighttime-related sensory stimuli). *Fitzgerald et al.* does not include a visual indicator; consequently, sliding the switch 382 produces no change therein.

Claims 12, 13, 15, 16, and 18 – 20 depend, either directly or indirectly, from independent claim 11 and therefore include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to independent claim 11 and for further limitations recited in these claims.

Claims 2 – 5, 7, 9, and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sonner et al.* in view of *Fitzgerald et al.* This rejection is respectfully

traversed. Initially, as noted above these claims depend, either directly or indirectly, from independent claim 1, and thus include all the limitations of their parent claim. As explained, *Sonner et al.* does not disclose an infant seat including (1) a back support frame including a canted portion or (2) leg portions that bow outward. In addition, each of *Sonner et al.* and *Fitzgerald et al.* constitutes a 102(e) reference used in a 103(c) rejection. *Sonner et al.* and the instant application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Additionally, *Fitzgerald et al.* and the instant application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. As such, both *Sonner et al.* and *Fitzgerald et al.* are disqualified as prior art against the claimed invention. See MPEP § 706.02(l)(2). For these reasons, it is requested the rejection of claims 2 – 5, 7, 9, and 10 be withdrawn.

Claims 12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fitzgerald et al.* in view of U.S. Patent No. 5,310,377 (“*Joja*”). It is argued that *Joja* teaches a rotating visual mode indicator 7 with icons corresponding to different modes of operation and, as such, it would have been obvious to modify *Fitzgerald et al.* to have a mode indicator with icons thereon indicating modes operation to add comfort and entertainment for an infant. This rejection is respectfully traversed. Initially, as noted above, these claims depend, either directly or indirectly, from independent claim 11, and thus include all the limitations of their parent claim. As explained above, *Fitzgerald et al.* does not disclose, teach, or suggest the claimed visual indicator controlled by a stimulus mode selection switch. As further explained, *Fitzgerald*

*et al.* is disqualified as prior art because *Fitzgerald et al.* the instant application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

*Joja*, moreover, does not compensate for the deficiencies of *Fitzgerald et al.* and similarly does not disclose, teach, or suggest these features. *Joja* discloses a crib toy that includes a lighting control knob 7 that engages a lamp 22 contained within the toy that illuminates characters on the housing of the toy. *See* col. 5, lines 8 – 18. The toy does not include (1) a switch for selectively providing power, (2) a switch for selecting a sensory stimulus mode, and (3) an indicator that visually indicates a particular sensory stimulus mode, wherein the switch for selecting a sensory stimulus mode effectuates a change in visual appearance of the indicator and produces a change in the sensory stimulus produced by the control device.

Finally, claims 18 – 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fitzgerald et al.* in view of *Sonner et al.* This rejection is respectfully traversed. Initially, as noted above, these claims depend, either directly or indirectly, from independent claim 11, and thus include all the limitations of their parent claim. As explained above, *Fitzgerald et al.* does not disclose, teach, or suggest the claimed visual indicator controlled by a stimulus mode selection switch. Furthermore, as explained above with regard to claims 2 – 5, 7, 9, and 10, both *Sonner et al.* and *Fitzgerald et al.* are disqualified as prior art since both *Sonner et al.*, *Fitzgerald et al.*, and the instant application were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

In addition to the above, new claims 21 – 25 are allowable because the cited prior art, alone or in combination, do not disclose, teach, or suggest the features recited in independent

claim 21 of a frame including a substantially U-shaped upper frame section including a medial portion and two side portions, wherein the medial portion is canted rearward with respect to a plane including the two side portions. As explained above with respect to Claim 1, the back portion of the *Sonner et al.* frame does not include a rearward cant. Claims 22 – 25 depend directly from independent claim 21 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claim and for further limitations recited in the claims.

Similarly, new claims 26 – 28 are allowable because none of the references of record, alone or in combination, discloses, teaches, or suggests the features of a first frame section including a medial portion and two side portions, each side portion including a segment that bows outward with respect to a center line bisecting the infant receiving device. Claims 27 – 28 depend directly from independent claim 26 and, therefore, include all the limitations of their parent claim. These dependent claims are considered to be in condition for allowance for substantially the same reasons discussed above in relation to their parent claim and for further limitations recited in the claims.

In view of the foregoing, Applicants respectfully request the Examiner find the application to be in condition for allowance with regard to claims 1 – 5, 7 – 15, and 17 – 28. However, if for any reason the Examiner feels that the application is not now in condition for allowance, she is respectfully requested to contact the undersigned to discuss any unresolved issues and to further expedite the disposition of the application.

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